

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 6542 OF 2006

DATED: 3.4.2006

Between:

Margana Satyam

... Petitioner

and

The Commissioner of Endowments and

others

... Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.6542 OF 2006

ORAL ORDER:

Admittedly, the petitioner's lease period in respect of Ac.9.92 cents of dry land belonging to the 4th respondent-Devasthanam came to an end. According to the petitioner, he was earlier a tenant of the lands for a lease amount of Rs.16,500/- during the year 2003-2004. According to him, for the year 2004-2005, his lease was extended on an enhanced lease amount of Rs.16,500/-. When the lands were proposed to be put to public auction for grant of leasehold rights on 20.6.2005, the petitioner applied for extension of the lease offering an enhanced lease amount of Rs.25,000/-. According to the petitioner, the 2nd respondent recommended the petitioner's application to the 1st respondent. The 1st respondent however on 7.12.2005 directed the 2nd respondent to conduct public auction of the lands. Consequent thereupon, the 4th respondent by a letter dated 30.1.2006 directed the petitioner to handover the land, failing which the possession of the lands would be taken over by the due process of law.

The petitioner does not state anywhere in the affidavit that he has a current leasehold right to the lands in question. He now assails the notification dated 25.3.2006, issued by the 4th respondent proposing public auction for grant of leasehold rights of the 4th respondent lands.

In the light of the chronology of facts recorded above, the petitioner has no right in law or otherwise, for extension of his lease of the lands of the 4th respondent for the current year. He has to participate in the public auction and succeed thereat if he desires grant of further leasehold rights. He challenges the notification for public auction dated 25.3.2006, issued by the 4th respondent on no known legal grounds.

The decision of the 4th respondent to conduct public auction is impeccable and suffers from no error or defect.

There are no merits. The writ petition is dismissed. The petitioner is however at liberty to make a representation to the 4th respondent with regard to his standing crops. If and when such a representation is made, the 4th respondent may consider the same in accordance with law and if the 4th respondent has the requisite authority, jurisdiction or power to extend the leasehold rights of the petitioner so as to save his standing crop. If the petitioner has suffered any injury on account of any misrepresentation made by the 4th respondent with regard to the 4th respondent's powers to grant extension of leases, then the petitioner is at liberty to take appropriate proceedings against the 4th respondent or any other authority who may have misled the petitioner promising grant of extension of lease. No order as to costs.

GODA RAGHURAM, J

Date: 3.4.2006

CVM

